



# Rule-Making, the LWCB and ATCP 50

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WISCONSIN DEPARTMENT OF AGRICULTURE, TRADE AND CONSUMER PROTECTION

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# RULE REVISION PROCESS



An iceberg floating in the ocean. The tip of the iceberg is visible above the water surface, while the much larger, jagged base is submerged below. The sky is blue with some clouds, and the water is a deep blue. A blue arrow-shaped graphic points to the right, containing the word 'Scope'.

## Scope

- Stakeholder input
- Preparation by agency staff
- Gubernatorial approval
- Publication in Administrative Register
- Possible public hearing and comment
- Approval by ATCP Board

## Overview of Administrative Rulemaking Process

### Statement of Scope

- Stakeholder input
- Preparation by agency staff
- Gubernatorial approval
- Publication in Administrative Register
- Possible public hearing and comment
- Approval by ATCP Board

Time in stage: 3 months

### Initial Drafting

- Initial drafting of rule by agency staff
- Preparation of Economic Impact
- Small business review
- Advisory Committee (optional)

Time in stage: 12-18 months

### External Reviews

- Review by LWCB
- Review by Legislative Council Staff
- Approval by DATCP Board for public hearing
- Public hearings and public comment period

Time in stage: 4 months

### Final Agency Review

- Agency responses to Legislative Council reviews and public comment
- Draft rule revisions and final drafting
- ATCP Board approval
- Gubernatorial approval

Time in stage: 3 months

### Legislative Review

- Referral to standing committees
- 30-day standing committee passive review
- 30-day JCRAR passive review
- Opportunities for legislative objections

Time in stage: 3 months

### Publication

- Secretary signs rule
- Agency submits to Legislative Reference Bureau (LRB)
- Formatting and publication by LRB
- Rule usually takes effect on day after publication

Time in stage: 2 months

Total time to get to Legislature from scope approval may not exceed 30 months

# LWCB AUTHORITY

- No rule-making authority
- Shall review all rules related to implementation of Chapter 92
- Authority also allows LWCB:
  - Make recommendations on matters related to soil and water conservation
  - May provide comments on the proposed rule language



# ATCP 50 REVISION - WHY NOW?

- Establish the technical standards to implement all agricultural performance standards
  - Silurian Bedrock Standard is new as of 2018
- Opportunity to update, modernize and clarify existing rule



# RULE PROCESS AND TIMELINE FOR LWCB INVOLVEMENT



# ANTICIPATED 2021 TIMELINE

Scope development

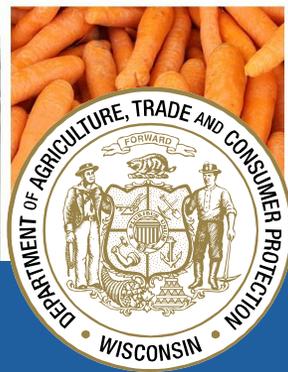


Scope approval

Stakeholder engagement and drafting

Stakeholder engagement and drafting





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